IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

OP.No. 27730 of 2002(A)

PETITIONER:

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1. P.G.KRISHNAN (WARD MEMBER) SON OF PALATHANGRALI, PALANTHAL VEEDU, EYYAL P.O., TRICHUR.

2. P.C.GOPALAKRISHNAN (WARD MEMBER) PARAMBONI VEEDU, EYYAL P.O., TRICHUR.

3. THE KADANGODE GRAMA PANCHAYAT, VELLARAKKAD P.O., TRICHUR, REPRESENTED BY ITS SECRETARY.

4. INDIRA PRABHAKARAN (PRESIDENT) VADAKKOODU VEEDU, CHIRAMANENGADU P.O., ERUMAPETTY.

BY ADV. SRI.T.R.RAMACHANDRAN NAIR
SRI.V.G.ARUN.

RESPONDENTS:

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1. OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS, TRIVANDRUM, REPRESENTED BY ITS SECRETARY.

2. LEELA, ANTHORUPARAMBIL VEEDU, HOUSING COLONY, MANTHRAVADI ROAD, VIA.KEECHERI EYYAL P.O., TRICHUR.

RESPONDENTS 3 TO 5 IMPLEADED :-

3.THE DEPUTY DIRECTOR OF PANCHAYATS, TRICHUR.

4.THE DIRECTOR OF PANCHAYATS, TRIVANDRUM.

5.THE KERALA STATE LITERACY MISSION, TRIVANDRUM, REP. BY ITS DIRECTOR.

(IMPLEADED AS PER ORDER DT. 3.12.2002 IN CMP NO.47609/02)

BY ADV. SRI.P.VIJAYA BHANU
SRI.M.GEORGE THOMAS
GOVERNMENT PLEADER SMT.K.R.DEEPA.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 10/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.47223/02 IN O.P.NO.27730/02

DISMISSED

10.1.2007. SD/- KURIAN JOSEPH, JUDGE.

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE ORDER DT. 17.7.2002 IN O.P.1350/01 OF THE FIRST RESPONDENT.

EXT.P2 : TRUE COPY OF THE RESOLUTION NO.327(a) DT. 9.6.2000 OF THE PANCHAYAT.

EXT.P3 : TRUE COPY OF THE RESOLUTION NO.116 DT. 7.3.2001 OF THE PANCHAYAT.

EXT.P4 : TRUE COPY OF THE RESOLUTION NO.151 DT. 11.4.2001 OF THE PANCHAYAT.

EXT.P5 : TRUE COPY OF LETTER NO.A3/749/01 DT. 28.52001 AND THE RESOLUTION NO.152 DT. 11.4.2001.

EXT.P6 TRUE COPY OF THE PAPER NOTIFICATION DT. 16.3.2001.

EXT.P7 TRUE COPY OF THE RANK LIST PUBLISHED BY THE PANCHAYAT.

EXT.P8 TRUE COPY OF THE ORDER NO.A3-332/99 DT,. 17.10.2001.

EXT.P9 TRUE COPY OF LETTER NO.A3-332/99 DT. 17.10.2001 OF THE PANCHAYAT.

EXT.P10 TRUE COPY OF LETTER DT. 8.1.2002 OF THE DIRECTOR, KERALA STATE LITERACY MISSION.

EXT.P11 TRUE COPY OF LETTER NO.KSLMA/DOC/3493/02 DT. 24.1.2002 OF THE KERALA STATE LITERACY MISSION.

EXT.P12 TRUE COPY OF THE OBJECTION FILED BY THE PANCHAYAT BEFORE THE FIRST RESPONDENT DT. 12.6.2001.

EXT.P13 TRUE COPY OF RELEVANT PAGES OF THE INSTRUCTIONS ISSUED BY THE STATE LITERACY MISSION.

EXT.R2(A) TRUE COPY OF THE LETTER OF THE LETTER OF THE FOURTH RESPONDENT DT. 15.11.2000 INTIMATING THE APPOINTMENT OF THE 2ND RESPONDENT AS PRERAK.
TGS

KURIAN JOSEPH, J.

O.P.No.27730 of 2002

Dated 10th January, 2007.

J U D G M E N T

The issue pertains to the appointment of Prerak under the Kadangode Grama Panchayat. As per the impugned order, learned Ombudsman for Local Self Government Institutions directed the Panchayat to appoint the second respondent. A compensation to the tune of Rs.5,000/- also was awarded to the second respondent. It is seen from the counter affidavit filed on behalf of the Kerala State Literacy Mission that the Panchayat only acted in accordance with the directives issued by the Mission since the appointment of Prerak is in accordance with the guidelines issued by the Mission. It is also stated that the selection earlier made by selecting the second respondent was not in accordance with the directives of the Mission. This crucial aspect has missed the notice of the first respondent. The Panchayat having acted as per the directions issued by the Kerala State Literacy Mission, it cannot be said that there was any misuse of power on their part and hence the second respondent is not entitled to any compensation either. I quash Ext.P1. The writ petition is allowed as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No.27730 of 2002 (A)

J U D G M E N T

Dated 10th January, 2007.